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*Lead Counsel for the Indirect Purchaser
Plaintiffs for the 22 States*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 4:07-cv-05944-JST
Case No. 4:13-cv-03234-JST

MDL No. 1917

This Document Relates to:

INDIRECT PURCHASER ACTIONS
FOR THE 22 STATES

**[PROPOSED] SECOND SUPPLEMENTAL
DECLARATION OF LAUREN C. CAPURRO
IN SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' MOTION TO STRIKE AND
FOR SANCTIONS**

Hearing Date: None
Courtroom: 6, 2nd Floor (Oakland)
Judge: Honorable Jon S. Tigar

1 I, Lauren C. Capurro, declare:

2 1. I am an attorney duly licensed by the State of California and am admitted to
3 practice before this Court. I am a partner with the law firm Trump, Alioto, Trump & Prescott,
4 LLP and my firm serves as the Court-appointed Lead Counsel for the Indirect Purchaser
5 Plaintiffs (“IPPs”) for the 22 States in the above-captioned action. I submit this Second
6 Supplemental Declaration in support of IPPs’ Motion to Strike and For Sanctions, ECF No. 5781
7 (the “Motion”). The matters set forth herein are within my personal knowledge except as to those
8 statements that are expressly made on information and belief, and as to those matters I believe
9 them to be true. If called upon and sworn as a witness I could competently testify regarding the
10 matters set forth in this declaration.

11 2. On August 5, 2020, I received an email from Michael Haag, counsel for IPPs’
12 class representative for Wisconsin, Brigid Terry. Mr. Haag informed me that Robert Bonsignore
13 had contacted Ms. Terry by letter and had spoken to her by telephone on August 4, 2020
14 regarding the *CRT* litigation, without Mr. Haag’s knowledge or consent.

15 3. Attached hereto as Exhibit A is a true and correct copy of Mr. Bonsignore’s July
16 29, 2020 letter to Ms. Terry. The letter states that it is “urgent” that Ms. Terry contact Mr.
17 Bonsignore “as soon as possible” because: “This case has been resurrected and you stand to
18 receive monetary compensation.”

19 4. Attached hereto as Exhibit B is a true and correct copy of my August 6, 2020
20 email to Robert Bonsignore in which I requested that he cease all contact with Ms. Terry
21 immediately, inform me whether he had contacted any other IPP class representatives, and desist
22 from further contacts with these representatives.

23 5. Attached hereto as Exhibit C is a true and correct copy of Mr. Bonsignore’s
24 August 7, 2020 response.

25 6. I spent 2.5 hours on August 5, 2020 speaking with Mr. Haag and Ms. Terry
26 regarding Mr. Bonsignore’s contacts with her. I also spoke with my co-counsel Mario Alioto and
27 other counsel for certain IPP class representatives, and sent several emails to counsel for the other
28 24 IPP class representatives regarding Mr. Bonsignore’s unauthorized contact with Ms. Terry.

1 7. I spent 1.4 hours on August 6, 2020, speaking to my co-counsel and counsel for
2 the IPP class representatives by telephone regarding Mr. Bonsignore's unauthorized contact with
3 Ms. Terry; responding to emails from counsel regarding any contacts with other IPP class
4 representatives; researching the professional ethics rules; and drafting an email to Mr.
5 Bonsignore regarding his contact with Ms. Terry.

6 8. I spent 0.5 hours on August 7, 2020 responding to further emails from counsel
7 regarding contacts with other IPP class representatives, reviewing Mr. Bonsignore's response to
8 my August 6, 2020 email, and discussing further action with my co-counsel.

9 9. I spent a total of 4.4 hours addressing Mr. Bonsignore's unauthorized conduct
10 with Ms. Terry. At my current rate of \$600 per hour, this amounts to a lodestar of \$2,640.

11 10. Attached hereto as Exhibit D is a true and correct copy of my August 29, 2020
12 email to Robert Bonsignore in which I requested that he withdraw his objectors' Request for
13 Expedited Relief and Motions to Extend Deadline to Appeal and to Intervene for Purposes of
14 Appeal, ECF No. 5815 (the "Intervention Motion"), because this Court had been divested of
15 jurisdiction by objectors' notice of appeal. Mr. Bonsignore never responded to this email.

16 11. On August 20, 2020, I spent 0.3 hours reviewing the Intervention Motion.

17 12. On August 21, 2020, I spent 3.1 hours further reviewing the Intervention Motion,
18 researching the cases and rules cited therein, and discussing IPPs' opposition by email and
19 telephone with my co-counsel.

20 13. On August 26, 2020, I spent 0.9 hours conducting additional research regarding
21 the Intervention Motion and participating in a conference call with my co-counsel regarding
22 IPPs' response to the request to extend the deadline to appeal.

23 14. On August 29, 2020, I spent 0.4 hours drafting an email to Mr. Bonsignore
24 requesting that he withdraw the Intervention Motion in light of his objectors' notice of appeal,
25 and speaking with Mr. Alioto by telephone.

26 15. On September 2, 2020, I spent 7.4 hours researching and drafting IPPs' opposition
27 to the Intervention Motion.
28

Lauren C. Capurro

*Counsel for the Indirect Purchaser Plaintiffs for
the 22 States*

EXHIBIT A

BONSIGNORE TRIAL LAWYERS, PLLC

TRIAL LAWYERS
www.classactions.us
3771 MEADOWCREST DRIVE
LAS VEGAS, NEVADA 89121

Rbonsignore@classactions.us

CELL: (781) 856-7650

July 29, 2020

Brigid Terry
510 Oakland Ave
Janesville, WI 53545

RE: In re Cathode Ray Tube (CRT) Antitrust Litigation
MDL No. 1917 / Case No. C-07-5944-SC

Dear Brigid:

When you receive this letter, it is urgent that you please give Robert a call as soon as possible.

This case has been resurrected and you stand to receive monetary compensation.

The number is (781) 856-7650.

Sincerely,



Grady DiAntonio
For Robert J. Bonsignore, Esq.

RJB/gd
Enclosures

EXHIBIT B

Subject: CRT/Brigid Terry**From:** Lauren Capurro (Russell)**Date:** 08/06/20 19:46**To:** rbonsignore@class-actions.us**Cc:** malioto@tatp.com**Attached Files**

- 2020-07-29 Bonsignore Letter to Brigid Terry.pdf (74 KB)

Robert:

The Court-appointed class representative for Wisconsin, Brigid Terry, has informed us that she received the attached letter from your office telling her it was "urgent" that she contact you "as soon as possible," because "the case has been resurrected" and she "stand[s] to receive monetary compensation."

Ms. Terry further informs us that she responded to the letter and spoke to you on Monday, August 4, 2020, by telephone. During that call, you did not reveal that you represent litigants with interests adverse to Ms. Terry who have objected to the IPPs' settlements. Rather, you sought attorney-client privileged information from Ms. Terry regarding her history in the case and how she came to be involved.

Ms. Terry is an adverse party who you know to be represented by other lawyers in the CRT matter. Yet you communicated with her without the consent of Ms. Terry's lawyers, and without them being present. Your letter and conduct during the phone call also misled Ms. Terry into believing that you were acting in her interests, which you were not. Your conduct is a clear violation of California Rules of Professional Conduct 2-100(a) ("While representing a client, a member shall not communicate directly or indirectly about the subject of the representation with a party the member knows to be represented by another lawyer in the matter, unless the member has the consent of the other lawyer."), and Massachusetts Rule of Professional Conduct 4.2 ("In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.").

Please inform us immediately if you have contacted any other IPP class representatives. We demand that you immediately cease and desist from any further efforts to communicate with any of the IPP class representatives, and confirm immediately that you have done so.

We intend to notify the Court of your conduct tomorrow afternoon.

Lauren

Lauren C. Capurro (Russell)

Attorney at Law

Trump, Alioto, Trump & Prescott, LLP

2280 Union Street

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E-mail: lauren russell@tatp.com

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EXHIBIT C

Subject: Re: CRT/Brigid Terry

From: Robert Bonsignore

Date: 08/07/20 06:36

To: Lauren Capurro (Russell), Theresa Moore, Francis Scarpulla, Tracy Kirkham

Cc: MAloto@tatp.com

As usual you are wrong and have no hesitation launching wild unsupported accusations.

Brigid Terry's name was provided to me by Teresa Moore as one of my early clients along with two other clients including a Brigid I do represent. I assumed she had looked into this before communicating with me. Additionally, this case is very old and many clients were referred to me long ago and her name was familiar. Between DRAM and CRT I have over 100 putative class representatives referred to me, many times by counsel who drop out after referral.

A letter was sent first. This is the first proactive preventative measure taken to guard against just what your latest accusation attempts to impute to me.

By now you should simply accept I do my best to do things right.

The very brief call was solely focused on confirming who Ms. Terry was and how she was referred to me. The call was cut short by me when nothing about her refreshed my memory and it became clear she had paperwork that would cut through everything.

I initially told Ms. Terry - who called me and advised she recognized my name- that her name had come up in the CRT case.

I directly asked her who she was, who her lawyer was, and if I had previously represented her.

Her initial response was yes. I then pressed and asked her who she was referred to me through and she mentioned a retired lawyer and also that she had her deposition taken and had related paperwork.

At that point I stopped the call short and asked her to pull all related papers, double check, and confirm who represented her.

I have not had contact with her since.

I am requesting you do not notify the Court of wild unsupported accusations. Your last submission was objective fiction.

Sent from my iPhone

Robert J. Bonsignore
Bonsignore Trial Lawyers, PLLC
[\(781\) 856 7650](tel:(781)8567650) cell

visit our new website at
www.classactions.us

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Please reply to the sender that you have received the message in error, then delete it. Thank you.

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Please consider the environment before you print this email.

On Aug 6, 2020, at 7:46 PM, Lauren Capurro (Russell) <LaurenRussell@tatp.com> wrote:

Robert:

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Ms. Terry is an adverse party who you know to be represented by other lawyers in the CRT matter. Yet you communicated with her without the consent of Ms. Terry's lawyers, and without them being present. Your letter and conduct during the phone call also misled Ms. Terry into believing that you were acting in her interests, which you were not. Your conduct is a clear violation of California Rules of Professional Conduct 2-100(a) ("While representing a client, a member shall not communicate directly or indirectly about the subject of the representation with a party the member knows to be represented by another lawyer in the matter, unless the member has the consent of the other lawyer."), and Massachusetts Rule of Professional Conduct 4.2 ("In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.").

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We intend to notify the Court of your conduct tomorrow afternoon.

Lauren

Lauren C. Capurro (Russell)

Attorney at Law

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E-mail: laurenrussell@tatp.com

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<2020-07-29 Bonsignore Letter to Brigid Terry.pdf>

EXHIBIT D

From: [Lauren Capurro \(Russell\)](#)
To: rbonsignore@class-actions.us
Cc: malieto@tntp.com
Subject: CRT/Request to withdraw pending motion, ECF No. 5815
Date: Saturday, August 29, 2020 9:21:46 PM
Importance: High

We request that you immediately withdraw your pending Motion to Expedite, Motion to Extend Time to Appeal and to Intervene for Purposes of Appeal, ECF No. 5815.

Your pending motion as been mooted by the Notice of Appeal of the Final Judgment that you filed yesterday. By your own admission, this has divested the Court of jurisdiction over your motion.

Moreover, there have now been a total of ten motions relating to objectors' attempts to intervene, all of which have been denied in no uncertain terms.

You have already unnecessarily multiplied the proceedings by not bringing your present motion at the same time as your Joinder in the earlier motion to intervene by the ORS/NRS. We urge you not to compound this problem by forcing us to respond to your pending (now moot) motion.

We have already devoted time to your pending motion and are continuing to do so. Please advise us immediately whether you will withdraw your pending motion so that we don't continue to devote time to it.

Thank you.

Lauren C. Capurro (Russell)
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